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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,260	10/30/2000	Tusyoshi Kawabe	500.39242X00	6660
24956	7590	12/13/2006	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.			HANNE, SARA M	
1800 DIAGONAL ROAD			ART UNIT	
SUITE 370			PAPER NUMBER	
ALEXANDRIA, VA 22314			2179	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/698,260

**Applicant(s)**

KAWABE ET AL.

**Examiner**

Sara M. Hanne

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,31 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,31 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the amendment received on September 20, 2006.

Claims 2, 31 and 35 are pending in the application.

### ***Claim Objections***

2. Claim 31 objected to because of the following informalities: Please amend line 11 of pg 3 to include the word "the" as seen here "CG object of the moving image".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 31, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrill et al., US Patent 6369821, hereinafter Merrill, and further in view of Yamada et al., US Patent 6319121, hereinafter Yamada.

As in Claims 31 and 35, Merrill teaches a method and apparatus including a CG animation generating unit coupled to a display unit for generating an image (Fig. 1, and corresponding text), a recording unit for recording an image generated in the CG animation generating unit (Figure 12. Scripting Engine 506 and corresponding text), a control unit for controlling the display, CG animation generating unit and the recording unit, the control unit includes the steps of designating a computer graphics object in a moving image (Col. 2, lines 7-45) displayed on a display unit ("right-clicking the mouse button while the cursor is positioned over the character", Col. 24, line 67 – Col. 25, line 1), displaying a command list which shows a plurality of commands relating to the designated CG object at the time of designating the CG object (Col. 26, lines 20-40), the command list arranged in the order of time when the commands were produced (que, Col. 2, line 20 et seq.) designating and executing each command relating to the CG object, thereby causing editing operations to be performed on the designated CG object of moving image to be conducted (Col. 26, lines 20 et seq.), wherein each command when executed causes one of a plurality of edit options to be performed on the designated CG object including editing speech and editing motion of the designated CG object (Col. 22, lines 46 et seq.). While Merrill teaches designating a CG object,

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displaying a list of commands for editing movement or speech, arranged in order of time they were produced and executing the command list on the CG object, they fail to explicitly teach designating the CG object while moving or pausing as recited in the claims. In the same field of the invention, Yamada teaches a CG object editing system similar to that of Merrill. In addition, Yamada further teaches designating the CG object while moving or pausing (Col. 4, line 11 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Merrill and Yamada before him at the time the invention was made, to modify the designating a CG object, displaying a list of commands for editing movement or speech, arranged in order of time they were produced and executing the command list on the CG object taught by Merrill to include the designating the CG object while moving or pausing of Yamada, in order to obtain designating a moving or paused image, displaying a list of commands for editing movement or speech, arranged in order of time they were produced and executing the command list. One would have been motivated to make such a combination because a real time editing system for CG characters would have been obtained, as taught by Yamada.

As in Claims 2, Merrill teaches displaying modification, change, addition and deletion on display, selecting one of modification, change, addition and deletion ("Add, Insert, Remove, RemoveAll", Col. 26, line 60 et seq.), displaying third commands comprised of setting items including camera, superimposition, sound, mixer, narration and studio set-up by selecting one of modification, change, addition and deletion, and

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designating one of the third commands in a display window and executing the designated command for the predetermined CG object (Col. 26, line 60 et seq).

### ***Response to Arguments***

Applicant's arguments filed 9/28/06 have been fully considered but they are not persuasive.

In response to the applicant's arguments that Merrill fails to teach "displaying a command list which shows a plurality of commands relating to the designated CG object at the time of designating the CG object ... the command list arranged in order of when they were produced", the examiner disagrees. Merrill teaches a plurality of commands, "Go Away" being a command to control motion of an object, and other commands controlling speech and movement as cited *supra*. The time related order is inherent in the teachings of a queue in Merrill as cited *supra*.

***Conclusion***

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar computer generated editing interfaces.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh

  
**WEILUN LO**  
**SUPERVISORY PATENT EXAMINER**